

Message Text

LIMITED OFFICIAL USE

PAGE 01 GENEVA 04880 291813Z

46

ACTION EB-11

INFO OCT-01 IO-14 ISO-00 FRB-03 OMB-01 TAR-02 SP-03 SWF-02

AGR-20 AID-20 CIAE-00 COME-00 INR-11 LAB-06 NSAE-00

OIC-04 RSC-01 SIL-01 STR-08 TRSE-00 CIEP-03 CEA-02

L-03 AF-10 ARA-16 EA-11 EUR-25 NEA-14 H-03 PRS-01

PA-04 USIA-15 DRC-01 /216 W
----- 029205

P R 291428Z JUL 74

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 7463

INFO USMISSION USUN NEW YORK

LIMITED OFFICIAL USE GENEVA 4880

PASS EB/CBA/BP-WINTER AND EB/OIT/GCP-BLACK

PASS PATENT OFFICE-KIRK

E.O. 11652: N/A

TAGS: EIND, UNCTAD

SUBJECT: UNCTAD INTERGOVERNMENTAL GROUP (IGG) ON THE
TRANSFER OF TECHNOLOGY: ROLE OF PATENT
SYSTEM AND CODE OF CONDUCT FOR T OF T

REF: GENEVA 4879

1. IN AN ATTEMPT TO HEAD OFF DECISION AT THIS IGG ON
THE QUESTIONS ON THE ROLE OF PATENT SYSTEM IN THE TRANS-
FER OF TECHNOLOGY (L.19--SEE SEPTTEL FOR FINAL TEXT) AND
ON THE CODE OF CONDUCT FOR TRANSFER OF TECHNOLOGY (L.18,
REV. 1--SEE SEPTTEL FOR FINAL TEXT), GROUP B THE MORNING
OF THE LAST SESSION DECIDED TO ADOPT THE GROUP OF 77 TO AGREE
TO POSTPONE FINAL DECISION TO THE TDB IN VIEW OF THE
LACK OF A CONSENSUS AND THE INADQUACY OF THE TIME
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 GENEVA 04880 291813Z

AVAILABLE TO GOVERNMENTS TO STUDY THE SECRETARIAT'S

DOCUMENTATION; (2) ATTEMPT TO OBTAIN AGREEMENT TO ADOPT THE PREAMBULAR PARAGRAPHS OF THE RESOLUTION ON THE SYSTEM (L.19) AND FORWARDING THE OPERATIVE PARAGRAPHS TO THE TDB WITH DISPUTED LANGUAGE BRACKETS. CONCERNING THE CODE RESOLUTION (L.18), GROUP B WOULD THEN BE FREE TO BREAK SOLIDARITY ON VOTING FOR THE DRAFT RESOLUTION; (3) HOWEVER, AS LAST-DITCH STAND PRIOR TO ANY VOTE ON SUBSTANCE, GROUP B DECIDED TO ATTEMPT TO HEAD OFF DECISION ON SUBSTANCE OF EITHER RESOLUTION ON A PROCEDURAL MOTION UNDER RULE 56.2 OF THE TDB RULES OF PROCEDURE. THE ATTEMPT OBTAIN GROUP 77 AGREEMENT POSTPONMENT WAS UNSUCCESSFUL.

2. IMMEDIATELY UPON THE CALL FOR A VOTE ON THE PREAMBULAR PARA OF L.19, THE GROUP B SPOKESMAN (US) CALLED FOR A ROLL CALL VOTE ON A MOTION UNDER RULE 56.2 THAT NO DECISION BE TAKEN ON THE DRAFT. THE MOTION WAS DEFEATED BY A NARROW MARGIN OF 17 FOR (ALL GROUP B AND D) TO 21 MEMBERS AGAINST (GROUP 77) WITH NO ABSTENTIONS AND SEVEN MEMBERS ABSENT. THEREUPON THE SPOKESMAN OF GROUP 77 CALLED FOR ROLL-CALL VOTE PREAMBULAR PARA L.19 WITH RESULTING VOTE 27 FOR (GROUP 77 PLUS GROUP D); ONE AGAINST (FRG) AND 11 ABSTENTIONS (US PLUS REMAINDER OF GROUP B) WITH SIX MEMBERS ABSENT. THE NEXT VOTE TAKEN WAS ON RESOLUTION AS A WHOLE WITH RESULTS: 28 FOR (GROUP 77 PLUS GROUP D); ONE VOTE AGAINST (FRG) AND 11 ABSTENTIONS (US PLUS REMAINDER GROUP B) WITH FIVE MEMBERS ABSTAINING.

3. COMMENT: WHILE THE RESOLUTION WAS ADOPTED IN ANY CASE, THE US ORIGINATED MOVE TO SEEK POSTPONMENT ON PROCEDURAL GROUNDS GAVE A STRONG INDICATION OF A SERIOUS LACK OF CONSENSUS ON TIMING OF THE RESOLUTION OF THE IGG ENDORSING THE UNCTAD SECRETARIAT'S REPORT, FOR THE CONVOCAION OF A GROUP OF EXPERTS AND THE TERMS OF REFERENCE GIVEN THAT GROUP OF EXPERTS.

4. IN ATTEMPTING TO EMPLOY THE SAME PROCEDURAL TACTICS IN THE GROUP OF 77 RESOLUTION CONCERNING A CODE OF CONDUCT FOR TRANSFER OF TECHNOLOGY, THE GROUP B MOTION WAS LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 GENEVA 04880 291813Z

RULED OUT OF ORDER BY AN INTERPRETATION OF THE CHAIR IN RESPONSE TO AN ARGENTINE POINT OF ORDER. THE RULING WAS BASED ON AN INTERPRETATION THAT RULE 56.2 WAS APPLICABLE ONLY WHEN TWO OR MORE RESOLUTIONS WERE UNDER CONSIDERTATION WHICH THE CHAIR REULED WAS NOT THE CASE ON THIS ITEM. SINCE THERE WAS NOT GROUP B SOLIDARITY ON THE SUBSTANCE OF DRAFT L.18 (REV.1), THE US AGREED NOT TO CONTEST THE RULING ON THE PROVISIO THAT THE NORDIC COUN-

TRIES AND THE NETHERLANDS COULD OBTAIN AMENDMENTS TO THE GROUP 77 TEXT MAKING IT LESS OBJECTIONABLE TO THE US. THESE AMENDMENTS CHANGED OPERATIVE PARA 1 FROM "THAT AFTER SOME ADDITIONAL WORK AN INTERNATIONAL CODE...IS POSSIBLE AND FEASIBLE" TO READ"... MAY BE POSSIBLE AND FEASIBLE" AND DELETING THE FINAL OPERATIVE PARAGRAPH WHICH CALLED FOR FUTURE COMMITTEE OF T OF T TO DISCUSS THE MECHANISM FOR THE NEGOTIATION OF A CODE TO MERELY CALL ON THE COMMITTEE OF T OF T TO "CONSIDER THE EXPERT GROUP'S REPORT AND RECOMMEND APPROPRIATE ACTION."

5. WITH THESE AMENDMENTS ACCEPTED BY GROUP 77, THE RESOLUTION WAS ACCEPTED BY A VOTE OF 31 (GROUP 77, GROUP D, PLUS BELGIUM, SPAIN, FINLAND, NETHERLANDS, SWEDEN, FOUR AGAINST (US, UK, FRG AND SWITZERLAND) WITH FOUR ABSTENTIONS (AUSTRIA, FRANCE, ITALY AND JAPAN). THE CANADIAN OBSERVER ENTERED A STATEMENT THAT CANADA WOULD HAVE VOTED AGAINST IF IT HAD BEEN A MEMBER.

6. COMMENT: WHILE THE GROUP PROCEDURAL MOTION TO AVOID TAKING A DECISION WAS OVERRULED, IT WAS MADE QUITE CLEAR FROM GROUP B STATEMENTS THAT THERE WAS GROUP B SOLIDARITY ON THE PREMATURE OF THE IGG DECISION EVEN IF THE SUBSEQUENT VOTE ON THE RESOLUTION REVEALED LACK OF GROUP B SOLIDARITY ON THE SUBSTANCE OF THE RESOLUTION. THE US, UK, FRG AND MAINTAIN THEIR NEGATIVE POSITION TO FORECLOSE POSSIBILITY OF GROUP 77 SUBSEQUENT CLAIMS OF "CONSENSUS" ON THE ISSUE.
ABRAMS

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MEETINGS, INTERGOVERNMENTAL COOPERATION, TECHNOLOGICAL EXCHANGES, RESOLUTIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 29 JUL 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974GENEVA04880
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740205-0829
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740710/aaaaaijo.tel
Line Count: 145
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: GENEVA 4879
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 17 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 JUN 2002 by boyleja>; APPROVED <25 FEB 2003 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UNCTAD INTERGOVERNMENTAL GROUP (IGG) ON THE TRANSFER OF TECHNOLOGY: ROLE OF PATENT
TAGS: EIND, UNCTAD
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005